

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACHATES REFERENCE PUBLISHING, INC.	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. 2:09-CV-355
	§	
BMC Software, Inc., Borland Software Corporation, Citrix Systems, Inc., The MathWorks, Inc., Dassault Systèmes SolidWorks Corp., MindJet, LLC, McAfee Corporation, Bentley Systems, Inc., and Intuit Inc.	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	

STIPULATION OF DISMISSAL AS TO THE MATHWORKS, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Achates Reference Publishing, Inc. (“Achates”) and Defendant The Mathworks, Inc. (“Mathworks”) file this Stipulation of Dismissal and would show the Court as follows:

Achates and Mathworks stipulate and agree that the subject litigation, Civil Action No. 2:09-cv-355 should be dismissed without prejudice, with each party bearing its own costs and attorney fees.

Dated: February 15, 2010

Respectfully submitted,

/s/ Robert Christopher Bunt
Robert Christopher Bunt
State Bar No. 00787165
Charles Ainsworth
State Bar No. 00783521
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687
E-mail: rcbunt@pbatyler.com
E-mail: charley@pbatyler.com

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@capshawlaw.com
D. Jeffrey Rambin
State Bar No. 00791478
Email: jrambin@capshawlaw.com
Capshaw DeRieux, LLP
1127 Judson Road, Suite 220
PO Box 3999 (75601)
Longview, Texas 75606
Telephone: 903/236-9800
Facsimile: 903/236-8787

Of Counsel:

Vincent E. McGahey
New Jersey State Bar No. 041681991
GIBBONS P.C.
One Gateway Center
Newark, NJ 07102-5310
Telephone: 973/596-4837
Facsimile: 973/639-6477
Email: vmgeahey@gibbonslaw.com

Michael Cukor
New York State Bar No. 3935889
GIBBONS P.C.
One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701
Telephone: 212/613-2013
Facsimile: 212/554-9658
Email: mcukor@gibbonslaw.com

*Attorneys for Plaintiff,
Achates Reference Publishing, Inc.*

/s/ Danny L. Williams (with permission by Robert
Christopher Bunt)
Danny L. Williams
State Bar No. 21518050
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042

713/934-7000
713/934-7011 – facsimile
danny@wmalaw.com

*Attorneys for Defendant,
The Mathworks, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 15th day of February, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Robert Christopher Bunt
ROBERT CHRISTOPHER BUNT